

07-11-03

EXPRESS MAIL NO.: EL615212657US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Jose L. Boyer, et al.

Appl. No.: 10/087,551

Filed: February 27, 2002

For: COMPOSITIONS AND
METHODS FOR THE TREATMENT
OF GLAUCOMA OR OCULAR
HYPERTENSION

Art Unit: 1623

Examiner: Josephine Young

Attorney Docket: 03678.0103.CPUS00

Confirmation No.: 6893

RECEIVED
JUL 14 2003
TECH CENTER 1600/2900

8-6-03
RECEIVED
JUL 14 2003
TECH CENTER 1600/2900

Response to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Sir:

This is in response to the Office Action dated **June 11, 2003**, and is submitted on or before the due date of **July 11, 2003**. Applicants believe that there is no fee due associated with this matter, however, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing Attorney Docket No. 03678.0103.CPUS00.

REMARKS

Restriction Election

The Examiner has required restriction to one of the following inventions pursuant to 35 U.S.C. §121:

- I. Claims 1-2, 3 and 4-10, drawn to methods of reducing intra-ocular pressure using a pyrimidine nucleoside 5'-phosphate coupled to a pyranoside, i.e. a compound of Formula I wherein G_1 is O or S.
- II. Claims 1-2 and 4-10, drawn to methods of reducing intra-ocular pressure using a pyrimidine nucleoside 5'-phosphate coupled to a carbocycle, i.e. a compound of Formula I, wherein G_1 is a carbon-based moiety, namely CH or $CH(OJ_1)$.
- III. Claims 11-14, 16, 17 and 18, drawn to pyrimidine nucleoside 5'-phosphates coupled to a pyranoside.
- IV. Claims 11-14, 15, 16 and 18, drawn to pyrimidine nucleoside 5'-phosphate coupled to a carbocycle.

In response to the Restriction Requirement, Applicants hereby elect the invention of Group I, Claims 1-10, drawn to methods of reducing intra-ocular pressure using a pyrimidine nucleoside 5'-phosphate coupled to a pyranoside, i.e. a compound of Formula I wherein G_1 is O or S. Applicants expressly reserve the right to prosecute claims directed to the remaining allegedly distinct groups in one or more continuing or divisional applications.

Species Election

Applicants are required under 35 USC §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR §1.141.

In Response to the species election requirement, Applicants are making the following election:

E = oxygen;

X₁ = oxygen or sulfur; and

Z = oxygen.

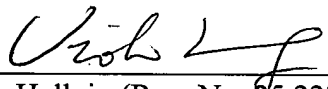
Claims 1-10 are readable upon the elected species.

CONCLUSION

Applicants believe that the application is in good and proper condition for allowance. Early notification of allowance is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8109.

Respectfully submitted,

Date: July 9, 2003



Albert P. Halluin (Reg. No. 25,227)
Viola T. Kung (Reg. No. 41,131)

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Box No. 34
Menlo Park, CA 94025
(650) 463-8109